

PRELIMINARY STATEMENT AND ARGUMENT

As detailed in both Plaintiffs' and Defendant's submissions in response to this Court's expressed concern as to Mr. Stern's modest individual damages, both parties are in agreement that the amount in controversy amply satisfies the jurisdictional requirement.

Given the parties' concurring positions and their support therefore, Plaintiffs respectfully request that if the Court still deems necessary a hearing on the issue of subject matter jurisdiction, the parties be allowed to participate via telephone. This would save the time and expense of transcontinental travel.

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